

Morgan Lewis

Jeremy P. Blumenfeld

Partner
+1.215.963.5258
jeremy.blumenfeld@morganlewis.com

February 15, 2021

This case is stayed pending the decision on the motion to compel arbitration.

SO ORDERED.

New York, New York /s/ John G. Koeltl
February 16, 2021 John G. Koeltl, U.S.D.J.

VIA ECF

The Honorable John G. Koeltl
United States District Court
Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, New York 10007-1312

Re: Cedeno v. Argent Trust Company, et al., Case No. 1:20-09987 (JGK)

Dear Judge Koeltl:

Pursuant to Your Honor's Individual Practices and Local Rule 7.1(d), Defendants submit this unopposed letter-motion to respectfully ask the Court to adjourn the deadline for Defendants to answer or otherwise respond to the Complaint, as well as the February 24, 2021 Pretrial Conference, pending the Court's ruling on Defendants' forthcoming motion to compel arbitration of Plaintiff's claims. Defendants have sought Plaintiff's consent to the relief requested herein and Plaintiff does not oppose Defendants' requests. Good cause exists for Defendants' requests, as follows:

On November 27, 2020, Plaintiff filed his Complaint, in which he alleges that Defendants violated various provisions of the Employee Retirement Income Security Act of 1974, as amended ("ERISA"). *See* Dkt. No. 1.

On February 8, 2021, Defendants submitted a letter motion in which they requested a pre-motion conference, should the Court have deemed it necessary, on the grounds that Defendants intend to move the Court to compel arbitration of Plaintiff's claims, direct that any arbitration occur on an individual basis, and stay this case while any arbitration proceeds (among other requested relief). *See* Dkt. No. 47. On February 10, 2021, the Court issued an Order setting a briefing schedule for Defendants' motion to compel. *See* Dkt. No. 51. The Order instructs that Defendants may move to compel arbitration by March 5, 2021; Plaintiff shall respond by March 26, 2021; and Defendants shall reply by April 7, 2021. *Id.*

Pursuant to the Court's Order, Defendants intend to file their motion to compel arbitration by March 5, 2021. In light of the briefing schedule set forth in the Court's Order, Defendants respectfully request that the Court adjourn Defendants' deadline to answer or otherwise respond to the Complaint until after the Court rules on Defendants' motion to compel and any responses and replies thereto. After the Complaint was initially served, Defendants sought extensions of time to

Morgan, Lewis & Bockius LLP

1701 Market Street
Philadelphia, PA 19103-2921
United States

T +1.215.963.5000
F +1.215.963.5001

The Honorable John G. Koeltl
February 15, 2021
Page 2

respond to the Complaint, so this is the second request to modify the deadline for responding to the Complaint, and this request will not affect any other scheduled deadlines.

Additionally, in light of Defendants' forthcoming briefing, Defendants respectfully request that the Court adjourn the pretrial conference currently scheduled for February 24, 2021 until the Court rules on Defendants' motion to compel or decides that it would be helpful to schedule oral argument on that motion. In addition, counsel for Argent has a scheduling conflict with the February 24, 2021 pretrial conference, so if the Court is inclined to hold the conference now, Defendants respectfully request that it be rescheduled at a date and time that is mutually convenient for the Court and the parties. We are happy to coordinate that scheduling with Plaintiff's counsel should that be the Court's preference. This is Defendants' first request to adjourn the pretrial conference, and this request will not affect any other scheduled deadlines.

Respectfully submitted,

/s/ Jeremy P. Blumenfeld

Attorney for Defendants Ryan Sasson, Daniel Blumkin,
Ian Behar, Duke Enterprises LLC, Twist Financial LLC,
Blaise Investments LLC, and Strategic Financial
Solutions, LLC

/s/ Lars C. Golumbic
(signed with permission)

Attorney for Defendant Argent Trust Company

CC: All Counsel of Record (via electronic filing)